

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LINDA SUE SEXTON and
MICHAEL SEXTON,

Plaintiffs,
V.

Case No. 19-12574
HON. MARK A. GOLDSMITH
MAG. JUDGE ANTHONY P. PATTI

LARRY LYNN DUNN,
THOMAS CERNUTO, 63
REDFORD CHARTER TOWNSHIP,
a municipal corporation;
jointly and severally,

Defendants.

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**DEFENDANT LARRY DUNN'S
ANSWER TO PLAINTIFFS' COMPLAINT**

NOW COMES Defendant, LARRY DUNN (hereinafter "Defendant Dunn"), by his attorneys, Marc R. Lakin of LAKIN LAW P.L.L.C., and for his Answer to Plaintiffs' Complaint, states as follows:

A. Response to Introduction

1. In response to Paragraph 1 of Plaintiffs' Complaint, Defendant Dunn admits that Plaintiff, Mrs. Sexton was on the 17th District Court of Redford's Work program and admits he was one of the Supervisors watching the Probationers but Denies Any Sexual Assault occurred during Mrs. Sexton's two days she reported.

RESPONSE TO JURISDICTION

2. In response to Paragraph 2 of Plaintiffs' Complaint, Defendant Dunn does not contest the subject matter jurisdiction of this Court at this time.

3. In response to Paragraph 3 of Plaintiffs's Complaint, Defendant Dunn denies that he is liable to Plaintiff, in any amount, for the reason that it is untrue.

RESPONSE TO VENUE

4. In response to Paragraph 4 of Plaintiffs's Complaint, Defendant Dunn does not contest venue at this time.

RESPONSE TO PARTIES

5. In response to Paragraph 5 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

6. In response to Paragraph 6 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

7. In response to Paragraph 7 of Plaintiffs' Complaint, Defendant Dunn admits.

8. In response to Paragraph 8 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

9. In response to Paragraph 9 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

RESPONSE TO COMMON ALLEGATIONS

B. Response to Redford Charter Township Work Program

10. In response to Paragraph 10 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

11. In response to Paragraph 11 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

12. In response to Paragraph 12 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

13. In response to Paragraph 13 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

14. In response to Paragraph 14 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

15. In response to Paragraph 15 of Plaintiffs' Complaint, Defendant Dunn denies the allegations as untrue

16. In response to Paragraph 16 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is

without information or knowledge sufficient to form a belief thereto but admits he drove program vehicles.

C. Response to Day One, Saturday, July 27, 2017

17. In response to Paragraph 17 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto. He admits that this would be a normal procedure but lacks memory on that specific day.

18. In response to Paragraph 18 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

19. In response to Paragraph 19 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

20. In response to Paragraph 20 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

21. In response to Paragraph 21 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

22. In response to Paragraph 22 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

23. In response to Paragraph 23 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that they are untrue.

24. In response to Paragraph 24 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

25. In response to Paragraph 25 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that it is untrue.

26. In response to Paragraph 26 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

27. In response to Paragraph 27 of Plaintiffs' Complaint, Defendant Dunn r denies the allegations contained therein for the reason that it is untrue.

28. In response to Paragraph 28 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that it is untrue.

29. In response to Paragraph 29 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

30. In response to Paragraph 30 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that it is untrue.

31. In response to Paragraph 31 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that it is untrue.

32. In response to Paragraph 5 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that it is untrue.

33. In response to Paragraph 5 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that it is untrue.

34. In response to Paragraph 5 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that it is untrue.

35. In response to Paragraph 35 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

36. In response to Paragraph 36 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

37. In response to Paragraph 37 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that it is untrue.

38. In response to Paragraph 38 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

39. In response to Paragraph 39 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

40. In response to Paragraph 40 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that it is untrue.

41. In response to Paragraph 41 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that it is untrue.

42. In response to Paragraph 42 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that is is untrue.

43. In response to Paragraph 43 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

44. In response to Paragraph 44 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

45. In response to Paragraph 45 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

46. In response to Paragraph 46 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

47. In response to Paragraph 47 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

48. In response to Paragraph 48 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

49. In response to Paragraph 49 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

50. In response to Paragraph 50 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that it is untrue.

51. In response to Paragraph 51 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

52. In response to Paragraph 5 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that is is untrue.

53. In response to Paragraph 53 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

54. In response to Paragraph 54 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that is is untrue.

55. In response to Paragraph 55 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

56. In response to Paragraph 56 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

57. In response to Paragraph 57 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

58. In response to Paragraph 58 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that it is untrue.

59. In response to Paragraph 59 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that it is untrue.

60. In response to Paragraph 60 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that it is untrue.

61. In response to Paragraph 61 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

62. In response to Paragraph 62 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that it is untrue.

63. In response to Paragraph 63 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that it is untrue.

64. In response to Paragraph 64 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that it is untrue.

65. In response to Paragraph 65 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

66. In response to Paragraph 66 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that it is untrue.

67. In response to Paragraph 67 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that he had no contact with Mrs. Sexton after program hours.

68. In response to Paragraph 68 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

69. In response to Paragraph 69 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

70. In response to Paragraph 70 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

71. In response to Paragraph 71 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

D. Response to Day Two, Sunday, July 30, 2017

72. In response to Paragraph 72 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

73. In response to Paragraph 73 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto but does state he owns and sometimes drives his motorcycle to the program.

74. In response to Paragraph 74 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

75. In response to Paragraph 75 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that it is untrue.

76. In response to Paragraph 76 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

77. In response to Paragraph 77 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

78. In response to Paragraph 78 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that it is untrue.

79. In response to Paragraph 79 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

80. In response to Paragraph 80 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

81. In response to Paragraph 81 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

82. In response to Paragraph 82 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

83. In response to Paragraph 83 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that it is untrue.

84. In response to Paragraph 84 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

85. In response to Paragraph 85 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

86. In response to Paragraph 86 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

87. In response to Paragraph 87 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

88. In response to Paragraph 88 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

89. In response to Paragraph 89 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

90. In response to Paragraph 90 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

91. In response to Paragraph 91 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

92. In response to Paragraph 92 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

93. In response to Paragraph 93 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

94. In response to Paragraph 94 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that it is untrue.

95. In response to Paragraph 95 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

96. In response to Paragraph 96 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

97. In response to Paragraph 97 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

98. In response to Paragraph 98 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

99. In response to Paragraph 99 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

100. In response to Paragraph 100 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

101. In response to Paragraph 101 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

102. In response to Paragraph 102 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

103. In response to Paragraph 103 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

E. Response to the Police and Police investigation/Prosecution

104. In response to Paragraph 104 of Plaintiffs' Complaint, Defendant Dunn admits a police report was filed.

105. In response to Paragraph 105 of Plaintiffs' Complaint, Defendant Dunn admits he participated in a police interview but neither admits or denies the allegations about defendant Cernuto contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

106. In response to Paragraph 106 of Plaintiffs' Complaint, Defendant Dunn admits.

107. In response to Paragraph 107 of Plaintiffs' Complaint, Defendant Dunn admits.

108. In response to Paragraph 108 of Plaintiffs' Complaint, Defendant Dunn admits.

109. In response to Paragraph 109 of Plaintiffs' Complaint, Defendant Dunn admits.

110. In response to Paragraph 110 of Plaintiffs' Complaint, Defendant Dunn admits.

111. In response to Paragraph 111 of Plaintiffs' Complaint, Defendant Dunn admits that the "report" questioned his truthfulness but denies its accuracy and reliability of the test and the competence its Examiner.

112. In response to Paragraph 112 of Plaintiffs' Complaint, Defendant Dunn admits that he was Criminally Charged with Criminal Sexual Conduct in State Court and that he was falsely accused.

113. In response to Paragraph 113 of Plaintiffs' Complaint, Defendant Dunn admits that he plead "no contest" to a simple Assault and Battery for the "kissing" allegation but all Criminal Sexual Charges were Dismissed by the Wayne County Prosecutor as they did not wish to proceed. During the proceedings a Motion to admit the prior "bad acts" of Plaintiff, Linda Sexton was argued. This motion displayed a longtime history of "fraud" as well as multiple Criminal Convictions involving Theft and Dishonesty.

114. In response to Paragraph 114 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that he, Defendant Dunn, was the victim of fabricated allegations as Plaintiff Linda Sexton had a pre-existing history as a Criminal and a Bad Reputation in general. Defendant Dunn denies that Plaintiff Sexton should profit monetarily from her False Claims including subparagraphs, and that she is not entitled to any of the relief requested.

RESPONSE TO LEGAL CLAIMS

RESPONSE TO COUNT 1 **FOURTH AMENDMENT VIOLATIONS** **Defendant Dunn**

115. Defendant Dunn realleges and incorporates by reference his answers to Paragraphs 1 through 114 as thought fully set forth herein.

116. In response to Paragraph 116 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

117. In response to Paragraph 117 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that their was "no unreasonable restraint" of Plaintiff Linda Sexton.

118. In response to Paragraph 118 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that his conducts was not an "unreasonable seizure".

119. In response to Paragraph 119 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that their were no "injuries".

120. In response to Paragraph 120 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that any claim of injuries is untrue.

WHEREFORE, Defendant LARRY DUNN requests that this Court dismiss Count 1 of Plaintiffs' Complaint, with prejudice, and award Defendant Dunn his costs and attorney fees for having to defend the same.

RESPONSE TO COUNT 11
VIOLATION OF THE FOURTEENTH AMENDMENT
RIGHT TO PERSONAL SECURITY AND BODILY INTEGRITY
Defendant Dunn

121. Defendant Dunn incorporates by reference his answers to Paragraphs 1 through 120 above as though fully set forth therein.

122. In response to Paragraph 122 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that they assert a legal conclusion to which no answer is required. To the extent that an answer is required, Defendant Dunn neither admits nor denies for the reason that he is without information or knowledge sufficient to form a belief thereto.

123. In response to Paragraph 129 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that they concern Defendant Cernuto and that he is without information or knowledge sufficient to form a belief thereto.

124. In response to Paragraph 124 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that they are untrue as Plaintiff, Linda Sexton fabricates a story in an attempt to link innocent conduct to a Fourteenth Amendment Violation.

125. In response to Paragraph 125 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that they are untrue.

126. In response to Paragraph 126 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that they are untrue.

127. In response to Paragraph 127 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that they untrue.

128. In response to Paragraph 128 of Plaintiffs' Complaint, Defendant Dunn

denies the allegations contained therein for the reason that they are untrue.

RESPONSE TO COUNT 11
FAILURE TO PROTECT

Defendant Cernuto

129. In response to Paragraph 129 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that they concern Defendant Cernuto and that he is without information or knowledge sufficient to form a belief thereto.

130. In response to Paragraph 130 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that they concern Defendant Cernuto and that he is without information or knowledge sufficient to form a belief thereto.

131. In response to Paragraph 131 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that they concern Defendant Cernuto and that he is without information or knowledge sufficient to form a belief thereto.

132. In response to Paragraph 132 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that they concern Defendant Cernuto and that he is without information or knowledge sufficient to form a belief thereto.

133. In response to Paragraph 133 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that they concern Defendant Cernuto and that he is without information or knowledge sufficient to form a belief thereto.

RESPONSE TO COUNT IV
BYSTANDER LIABILITY/JOINT TORTFEASOR
Defendants Dunn and Cernuto

134. Defendant Dunn incorporates by reference his answers to paragraphs 1 through 133 above as though fully set forth herein.

135. In response to Paragraph 135 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that they are untrue.

136. In response to Paragraph 136 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that they are untrue.

137. In response to Paragraph 137 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that they are untrue.

138. In response to Paragraph 138 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that they are untrue.

139. In response to Paragraph 139 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that they are untrue.

WHEREFORE, Defendant LARRY DUNN requests that this Court dismiss Count IV of Plaintiffs' Complaint, with prejudice, and award Defendant Dunn his Costs and Attorneys Fees for having to defend the same.

RESPONSE TO COUNT V
CIVIL CONSPIRACY

140. Defendant Dunn incorporates by reference his answers to paragraphs 1 through 140 above as fully set forth herein.

141. In response to Paragraph 141 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that they are untrue.

142. In response to Paragraph 138 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that they are untrue.

143. In response to Paragraph 138 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that they are untrue.

WHEREFORE, Defendant LARRY DUNN requests this Court dismiss Count V of Plaintiffs' Complaint, with prejudice, and award Defendant Dunn his Costs and Attorney fees for having to defend the same.

RESPONSE TO COUNT VI
ELLIOT[T] LARS[E]N CIVIL RIGHTS
PUBLIC ACCOMODATION
All Defendants

144. Defendant Dunn incorporates by reference his answers to Paragraphs 1 through 143 above as fully set forth herein.

145. In response to Paragraph 145 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that they assert a legal conclusion to which no answer is required. To the extent that an answer is required, Defendant Dunn denies for the reason that they are untrue.

146. In response to Paragraph 146 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that they assert a legal conclusion to which no answer is required. To the extent that an answer is required, Defendant Dunn denies for the reason that they are untrue.

147. In response to Paragraph 147 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that they assert a legal conclusion to which no answer is required. To the extent that an answer is required, Defendant Dunn denies for the reason that they are untrue.

148. In response to Paragraph 148 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that they assert a legal conclusion to which no answer is required. To the extent that an answer is required, Defendant Dunn admits.

149. In response to Paragraph 149 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that they are untrue.

150. In response to Paragraph 150 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that they are untrue.

151. In response to Paragraph 151 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that they are untrue.

152. In response to Paragraph 152 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that they

concern Defendant, Redford Township and that he is without information or knowledge sufficient to form a belief thereto.

153. In response to Paragraph 153 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that they concern Defendant, Redford Township and that he is without information or knowledge sufficient to form a belief thereto.

154. In response to Paragraph 154 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that they are untrue.

WHEREFORE, Defendant LARRY DUNN requests that this Court dismiss Count VI of Plaintiffs' Complaint, with prejudice, and award Defendant Dunn his costs and attorney fees for having to defend the same.

RESPONSE TO COUNT VII
ELLIOT LARSEN CIVIL RIGHTS
HOSTILE WORK ENVIRONMENT
All Defendants

155. Defendant Dunn incorporates by reference his answers to Paragraphs 1 through 154 above as though fully set forth herein.

156. In response to Paragraph 156 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that they assert a legal conclusion to which no answer is required. To the extent that an answer is required, Defendant Dunn neither admits nor denies for the reason that he is without information or knowledge sufficient to form a belief thereto.

157. In response to Paragraph 157 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that they assert a legal conclusion to which no answer is required. To the extent that an answer is required, Defendant Dunn neither admits nor denies for the reason that he is without information or knowledge sufficient to form a belief thereto.

158. In response to Paragraph 158 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that they assert a legal conclusion to which no answer is required. To the extent that an answer is required, Defendant Dunn neither admits nor denies for the reason that he is without information or knowledge sufficient to form a belief thereto.

159. In response to Paragraph 159 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that they assert a legal conclusion to which no answer is required. To the extent that an answer is required, Defendant Dunn admits only the allegation in Paragraph 159 as they relate to Defendant Dunn and he is without information or knowledge sufficient to form a belief thereto.

160. In response to Paragraph 160 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that they are untrue.

161. In response to Paragraph 161 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that they are untrue.

162. In response to Paragraph 162 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that they are untrue.

163. In response to Paragraph 163 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that they are untrue.

WHEREFORE, Defendant LARRY DUNN requests that this Court dismiss Count VII of Plaintiffs' Complaint, with prejudice, and award Defendant Dunn his costs and attorney fees for having to defend the same.

RESPONSE TO COUNT VIII
ELLIOT LARSEN CIVIL RIGHTS
DISPARATE TREATMENT
All Defendants

164. Defendant Dunn incorporates by references answers to Paragraph 1 through 163 above as though fully set forth herein.

165. In response to Paragraph 165 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that they assert a legal conclusion to which no answer is required. To the extent that an answer is required, Defendant Dunn neither admits nor denies for the reason that he is without information or knowledge sufficient to form a belief thereto.

166. In response to Paragraph 166 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that they assert a legal conclusion to which no answer is required. To the extent that an

answer is required, Defendant Dunn neither admits nor denies for the reason that he is without information or knowledge sufficient to form a belief thereto.

167. In response to Paragraph 167 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that they assert a legal conclusion to which no answer is required. To the extent that an answer is required, Defendant Dunn neither admits nor denies for the reason that he is without information or knowledge sufficient to form a belief thereto.

168. In response to Paragraph 168 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that they assert a legal conclusion to which no answer is required. To the extent that an answer is required, Defendant Dunn admits only the allegation contained in Paragraph 168 that he was a Supervisor in the Program. As to the remaining allegations contained in Paragraph 168 Defendant Dunn neither admits nor denies for the reason that he is without information or knowledge sufficient to form a belief thereto.

169. In response to Paragraph 169 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that they are untrue.

170. In response to Paragraph 170 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that they are untrue.

171. In response to Paragraph 171 of Plaintiffs' Complaint, Defendant Dunn

denies the allegations contained therein for the reason that they are untrue.

172. In response to Paragraph 172 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that they are untrue.

WHEREFORE, Defendant LARRY DUNN requests that this Court dismiss Count VIII of Plaintiffs' Complaint, with prejudice, and award Defendant Dunn his costs and attorney fees for having to defend the same.

RESPONSE TO COUNT IX

MONELL CLAIM

Defendant Redford Charter Township

173. Defendant Dunn incorporates by references answers to Paragraph 1 through 172 above as though fully set forth herein.

174. In response to Paragraph 174 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that they assert a legal conclusion to which no answer is required. To the extent that an answer is required, Defendant Dunn denies wrongdoing for the reason that the allegations are untrue.

175. In response to Paragraph 175 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that they are untrue.

176. In response to Paragraph 176 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that they are untrue.

177. In response to Paragraph 177 of Plaintiffs' Complaint, Defendant Dunn

neither admits or denies the allegations contained therein for the reason that they assert a legal conclusion to which no answer is required. To the extent that an answer is required, Defendant Dunn neither admits nor denies for the reason that he is without information or knowledge sufficient to form a belief thereto.

178. In response to Paragraph 178 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that they assert a legal conclusion to which no answer is required. To the extent that an answer is required, Defendant Dunn denies the allegation for the reason that they are untrue.

179. In response to Paragraph 179 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that they assert a legal conclusion to which no answer is required. To the extent that an answer is required, Defendant Dunn denies the allegation for the reason that they are untrue.

180. In response to Paragraph 180 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that they are untrue.

WHEREFORE, Defendant LARRY DUNN requests that this Court dismiss Count IX of Plaintiffs' Complaint, with prejudice, and award Defendant Dunn his costs and attorney fees for having to defend the same.

RESPONSE TO COUNT X
LOSS OF CONSORTIUM

181. Defendant Dunn incorporates by reference his answers to Paragraph 1 through 180 above as though fully set forth herein.

182. In response to Paragraph 182 of Plaintiffs' Complaint, Defendant Dunn neither admits or denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto as he had no knowledge of Michael Sexton.

183. In response to Paragraph 183 of Plaintiffs' Complaint, Defendant Dunn denies the allegations contained therein for the reason that they are untrue.

WHEREFORE, Defendant LARRY DUNN requests that this Court dismiss Count X of Plaintiffs' Complaint, with prejudice, and award Defendant Dunn his costs and attorney fees for having to defend the same.

Respectfully submitted,

LAKIN LAW P.L.L.C.

By: /s/ Marc R. Lakin
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Dated: Sept 10, 2019

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LINDA SUE SEXTON and
MICHAEL SEXTON,

Plaintiffs,
V.

Case No. 19-12574
HON. MARK A. GOLDSMITH
MAG. JUDGE ANTHONY P. PATTI

LARRY LYNN DUNN,
THOMAS CERNUTO, 63
REDFORD CHARTER TOWNSHIP,
a municipal corporation;
jointly and severally,

Defendants.

**DEFENDANT LARRY DUNN'S
AFFIRMATIVE DEFENSES**

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AFFIRMATIVE DEFENSES

NOW COMES Defendant, LARRY DUNN, by and through his attorneys,
LAKIN LAW P.L.L.C., and for his Affirmative Defenses, states as follows:

1. Plaintiffs' Complaint fails, in whole or in part, to state a claim upon which relief can be granted.
2. To the extent that Plaintiffs' seeks equitable relief, their claims are barred, in whole or in part, by the doctrines of waiver, unclean hands, equitable equitable estoppel, and/or laches.
3. Plaintiffs' claim of damages have previously been addressed at the Criminal Sentencing of Larry Dunn at the Wayne County Circuit Court.
4. Plaintiffs' claims are barred. in whole or in part, by statutory governmental immunity, MCL 691.1401, qualified and/or common law immunity.

5. Plaintiffs' have not proven a prima facie case of discrimination.
6. Plaintiffs' have suffered no damages, have failed to reasonably mitigate their damages, or their damages are de minimis.
7. Plaintiffs' injuries, if any, were the result of pre-existing and/or degenerative conditions.
8. Plaintiffs' injuries, if any, are the result of their comparative negligence or wrongful conduct.
9. Plaintiffs' claims against the Defendant Dunn in his official capacity are barred because he did not act pursuant to an official custom or policy that was the moving force behind Plaintiffs' alleged constitutional injury.
10. Plaintiffs' constitutional claims are barred, in whole or in part, by the doctrine of qualified immunity and the holding in *Minell v. Department of Social Services* and its progeny.
11. Plaintiffs; cannot establish that Plaintiff Linda sexton was treated differently than similarly situated individuals.
12. The 17th District Court is not a place of public accommodation.
13. Plaintiffs' were not denied the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations.
14. Plaintiff Linda Sexton was not an employee.

15. At all times, Defendant Dunn reasonably believed his actions were consistent with his obligations under Michigan's Elliott-Larsen Civil Rights Act, MCL Section 37.2101 *et seq.*, and other federal and state law.

16. Plaintiffs' have obstructed justice regarding the allegations by destroying evidence, namely the underwear she claims to have worn during the assault.

17. Defendant asserts that any activity between himself and Plaintiff Linda Sexton was welcomed and consensual.

18. No Sexual Assault occurred and Defendant Dunn's behavior was not sexual in nature and not meant to harass or intimidate.

19. Any statement made and heard by Plaintiff, Linda Sexton, by Defendant Larry Dunn is protected speech under the First Amendment to the United States Constitution.

20. Defendant Larry Dunn adopts and incorporates by reference all Affirmative defenses plead by Defendants Thomas Curnuto and Redford Township.

21. Defendant Larry Dunn reserves the right to assert additional Affirmative Defense upon discovery of facts not presently known in defending against Plaintiffs; claims.

Respectfully submitted,

LAKIN LAW P.L.L.C.

Dated: Sept 10, 2019

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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LINDA SUE SEXTON and
MICHAEL SEXTON,

Plaintiffs,
V.

Case No. 19-12574
HON. MARK A. GOLDSMITH
MAG. JUDGE ANTHONY P. PATTI

LARRY LYNN DUNN,
THOMAS CERNUTO, 63
REDFORD CHARTER TOWNSHIP,
a municipal corporation;
jointly and severally,

Defendants.

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RELIANCE ON DEMAND FOR JURY TRIAL

NOW COMES Defendant, LARRY DUNN, by and through his attorneys,
LAKIN LAW P.L.L.C., hereby relies upon Plaintiffs' demand for trial by jury in
the above captioned cause of action.

Respectfully submitted,

LAKIN LAW P.L.L.C.

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Dated: Sept 10, 2019

CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2019, I electronically filed the foregoing papers, **Defendant Larry Dunns's Answer to Complaint, Affirmative Defenses, Reliance on Demand for Jury trial and this Certificate of Service** with the Clerk of the Court using the ECF system which will send notification to all counsel of record, and via by First Class , U.S. Mail upon:

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